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MAILED

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OFFICE OF PETITIONS

In re Patent No. 7,807,851 : DECISION ON REQUEST FOR
GUNTHER et al. : RECONSIDERATION OF
Issue Date: 10/05/2010 : PATENT TERM ADJUSTMENT
Application No. 10/568,355 :
Filed: 08/16/2006 :
Docket No. 2400.0200000/SRL :

This is a decision on the Request for Reconsideration of Patent Term Adjustment Determination Under 37 C.F.R. §1.705(d), filed on October 7, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by seven hundred thirty (730) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

Patentee is given **TWO (2) MONTHS** from the mailing date of this decision to respond. No extensions of time will be granted under 37 CFR 1.136.

In the present petition, patentee calculated the B delay incorrectly. In an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is August 18, 2003. As the expiration of the 30-month period pursuant to 35 U.S.C. 371(b) fell on a Saturday,

and February 20, 2006, was a federal holiday, the period expired on the subsequent business day. See PCT Rule 80.5. Accordingly, the commencement date is February 21, 2006. Thus, B delay is 591 days, counting the number of days beginning on February 22, 2009, and ending on October 5, 2010, the day the patent issued. See 35 U.S.C. 154(b)(1)(B)(i) and 37 CFR 1.703(b).

Accordingly, the patent term adjustment remains 591 days.

The Office acknowledges the payment of the \$200.00 fee set forth in 37 CFR 1.18(e).

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

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